



Rules of
Department of Social Services
Division 40—Family Support Division
Chapter 110—Fees

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 40—Family Support Division
Chapter 110—Fees**

**13 CSR 40-110.020 Federal Income Tax
Refund Offset Fee**

(Rescinded September 30, 2005)

AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed Sept. 10, 2004, effective March 30, 2005. Emergency rescission filed March 17, 2005, effective March 30, 2005, expired Sept. 25, 2005. Rescinded: Filed March 17, 2005, effective Sept. 30, 2005.

**13 CSR 40-110.030 Annual Twenty-Five
Dollar (\$25) Fee**

PURPOSE: This rule defines how the Family Support Division will assess an annual twenty-five dollar (\$25) fee as required by section 454(6)(B)(ii) of Title IV-D of the Social Security Act as amended by the Deficit Reduction Act of 2005, Pub. L. 109-171.

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

(A) Division means the Family Support Division;

(B) Support means any financial support collected for the support or maintenance of a child or the custodian of a child or a spouse or ex-spouse;

(C) Custodian means an individual to whom a duty of support is owed;

(D) Obligor means an individual owing a duty of support;

(E) IV-D means part IV-D of the Social Security Act;

(F) Case means an official record comprised of a custodian and dependent child(ren), associated with a particular obligor;

(G) IV-D, never-assistance case means a case in which the custodian is receiving services pursuant to section 454.400, RSMo, but has never received Aid to Families with Dependent Children or Temporary Assistance for Needy Families benefits on behalf of the child(ren) associated with the case;

(H) Federal fiscal year means the period from October 1 to September 30.

(2) Annual Twenty-Five Dollar (\$25) Fee. In a IV-D, never-assistance case in which the division has disbursed to the custodian at least five hundred dollars (\$500) of support in the federal fiscal year, the division shall assess an annual fee of twenty-five dollars

(25). The fee shall be assessed to the obligor.

(A) If an obligor is associated to more than one IV-D, never-assistance case, the division shall assess the fee on each case in which at least five hundred dollars (\$500) of support has been disbursed to the custodian in the federal fiscal year.

(B) The division shall assess the fee in each federal fiscal year after the first five hundred dollars (\$500) of support has been disbursed to the custodian.

(C) After the fee is assessed, the division shall provide notice of the fee to the obligor. The notice shall provide instructions to the obligor for satisfying the fee.

(D) If the obligor does not satisfy the fee by the end of the federal fiscal year in which it is assessed, the balance remains due.

(E) The division shall not assess a fee in cases excluded by federal law or regulation.

AUTHORITY: section 454.400.2(5), RSMo, 2000. Original rule filed Aug. 20, 2007, effective Feb. 29, 2008.*

**Original authority: 454.400, RSMo 1982, amended 1985, 1986, 1990, 1993, 1995, 1997.*

13 CSR 40-110.040 Annual Fee

PURPOSE: The purpose of this rule is to define how the Family Support Division will collect an annual processing fee from an obligee on a non-IV-D case who receives support payments that are processed by the Family Support Payment Center.

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

(A) “Division” means the Family Support Division;

(B) “Payment Center” means the Family Support Payment Center;

(C) “Support” means any financial support due for the support or maintenance of a child, or the custodian of a child, or a spouse or ex-spouse based upon a judicial or administrative order;

(D) “Case” means a family, as used in section 454.425, RSMo, associated with a particular support order(s). A case includes a collection of people, generally, an obligee, and dependent(s) associated with an obligor;

(E) “Obligor” means a person who owes a duty of support as determined by a court or administrative agency of competent jurisdiction;

(F) “Obligee” means a person to whom a duty of support is owed as determined by a court or administrative agency of competent

jurisdiction; and

(G) “Non-IV-D case” is a case as defined above which is not currently receiving child support services pursuant to section 454.400, RSMo.

(2) Annual Fees. The division will collect an annual processing fee of ten dollars (\$10) on each order associated with a non-IV-D case in which payments are being received by and processed through the Payment Center for all or any part of a calendar year. If an order is associated to more than one (1) case, all cases must be non-IV-D cases.

(A) The obligor will receive credit against the support obligation for the entire payment received by the Payment Center. The fee will be collected from the obligee.

(B) The fee will be deducted from the first support payment received in each calendar year by the Payment Center prior to disbursement of the payment to the obligee. If the first support payment processed for the calendar year by the Payment Center does not satisfy the annual fee, the balance remains due and will be collected from subsequent support payments received for that calendar year until the entire fee is satisfied. If the fee is not satisfied by the end of a calendar year, the uncollected fee for that year will not accrue into the next calendar year.

(C) An annual fee will be charged in a former TANF or Medicaid case if all arrearages owed to the state have been paid and child support services pursuant to section 454.400, RSMo, are not currently being provided.

AUTHORITY: sections 454.400 and 660.017, RSMo 2016. This rule originally filed as 13 CSR 30-10.010. Original rule filed July 17, 2001, effective Jan. 30, 2002. Moved to 13 CSR 40-110.040 and amended: Filed Aug. 8, 2018, effective March 30, 2019.*

**Original authority: 454.400, RSMo 1959, amended 1982, 1993, 1995, 1997, 2014 and 660.017, RSMo 1993, amended 1995.*